(4)

C.A. 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

Writ Petition No. 1716 / 2003

PETITIONER : ABDUL HALEEM KHAN
S/O ABDUL HAKEEM KHAN
AGED ABOUT 49 YEARS,
R/O AKBAR KHAN KI CHAWL,
IN FRONT OF MISSION HOSPITAL,
BILASPUR (C.G.)

VERSUS

RESPONDENTS :
1) STATE OF CHHATTISGARH,THROUGH THE SECRETARY. DEPARTMENT OF TOURISM, CULTURE, RELIGIOUS TRUST AND ENDOWMENTS, D.K.S. BUILDING MANTRALAYA, RAIPUR (C.G.)
2) COLLECTOR (NAZUL), BILASPUR DISTIRCT BILASPUR (C.G.)
3) SHRI H.P. KINDO, ADDITIONAL COLLECTOR, BILASPUR (C.G.)
4) NAZUL OFFICER, BILASPUR COLLECTORATE, BILASPUR (C.G.)
5) SUB REGISTRAR (REGISTRATION) COMPOSITE BUILDING, OPPOSITE COLLECTORATE, BILASPUR (C.G.)
6) ASHOK KUMAR TIWARI, NAZUL OFFICER BILASPUR (C.G.)
7) SUB DIVISIONAL OFFICER (REVENUE) BILASPUR (C.G.)

No. 1561/03 ... nted by Sh.i A.S. Choudhary ... d 06/06/03

आयुक्त, ... बिलासपुर संभाग ... बिलासपुर

...IVED COPY. ... K TO A.G. BILASPUR

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8) SHRI Y.K. ADILE,
JOINT COLLECTOR BILASPUR (C.G.)

9) SHRI RAFIQUE AHMED KHAN AGED ABOUT 70 YEARS S/O MASOOD KHAN PRESENTLY RESIDING AT FLAT NO. 113, UTKARSH NIRMAN, MANGALWARI BAZAR, SADAR - NAGPUR (M.S.)

LOCAL RESIDENCE,AKBAR KHAN KA BADA, NEAR SANTOSH BHOJNALAYA, JUNI LINE, BILASPUR (C.G.)

WRIT PETITION UNDER THE ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/1716/ सन् 2003

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27-06-2003 Shri Ashok Patil, counsel for the petitioner. Shri Sanjay K. Agrawal, Deputy Advocate General for the State. Shri K.A. Ansari, counsel for the respondent No.9. This petition under Article 226 / 227 of the Constitution of India has been filed with a prayer to issue a writ of mandamus for the compliance of the order of the M.P. Wakf Board vide file No. 4093 dated 1-6-2001 issued under the signatures of C.E.O. M.P. Wakf Board, Bhopal and the Court may direct the respondents to produce all the records of the cases before this Court and the Court may also issue a writ of mandamus to hold a high level enquiry into the scam of the Wakf Board and further be directed to take appropriate disciplinary and administrative action against the Nazul Officers, Bilaspur and the Court may also issue a writ of quo-warranto to oust the respondent No.9 and for any other appropriate orders. The main contention of the petitioner is that he is one of the close descendents of the late Haji Mohd. Akbar Khan who along with his son late Mohd. Masood Khan executed a "Wakf-Alal-Aulad" deed on 20th April 1937 in respect of the properties belonging to them, the detail list of the properties has been enumerated in para-11 of the deed.	

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The petitioner being declared as beneficiary, as provided under Section 3(a) of the Wakf Act 1995, as such the petitioner is taking part to save properties of the Wakf which are being misused and mismanaged by the respondent No.9.

It is submitted that in the State of Chhattisgarh the Wakf Board has not been constituted so far, therefore, the petitioner could neither approach before the Wakf Board nor the Wakf Tribunal since it has not started to function as yet in the State of Chhattisgarh.

It is further submitted that late Haji Mohd. Akbar Khan was the original owner of the properties and also having many villages situated at the cities of Bilaspur, Raipur and Nagpur and he was a deeply religious person and wanted to see the properties belonging to him might not be wasted after his death, with this object of religious, pious and charitable purposes he executed many deeds of Wakf including the present Wakf-Alal-Aulad.

The learned counsel for the petitioner argued that the Collector, Bilaspur is not entering the name of the Wakf Board in the mutation, as such the Wakf Board Bhopal issued a letter dated 1-6-2001, vide Annexure-P/1 and, therefore, by way of this petition the petitioner is seeking compliance of that letter of the Wakf Board, Bhopal. A similar letter Annexure-P/10 was also sent to the Collector, Bilaspur and Tehsildar, Bilaspur by the M.P. Wakf Board Bhopal. The Collector, Bilaspur also directed to S.D.O., Bilaspur

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to comply with the directions of M.P. Wakf Board and in turn S.D.O. directed the concerned Tehsildar to take action regarding mutation of the Wakf properties. The petitioner approached the Nazul Officer for mutation and the matter was registered and he reached to the conclusion that mutation will be carried out in accordance with the provisions under Section 110 of the M.P.L.R.C. 1959/ Chhattisgarh Revenue Code.

A perusal of the Annexure-P/9 shows that the petitioner moved an application before the Nazul Officer, Bilaspur, for taking up the proceedings of the mutation in respect of this disputed properties. In pursuance of that the Nazul Officer issued a notice on 2-4-2003 and being aggrieved by that order the petitioner moved a review petition, Annexure-P/12, upon which the proceedings are being taken up and the copy of the proceedings is Annexure-P/13.

All these documents show that the Nazul Officer on the application of the petitioner has already initiated the mutation proceedings and all concerned and affected persons have been issued notices.

If the petitioner has any grievance against these orders then he can approach the appropriate authorities, if any, by way of appeal or any other proceeding whichever is available to him.

The jurisdiction under Article 226 of the Constitution of India is very limited and it is extraordinary jurisdiction in which the Court is not

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

required to go into the complicated facts and investigate into the matter. Moreover, when the proceedings are pending before the competent authorities, the Court is not required to interfere with the affairs of those authorities.

Having regard to the facts and circumstances of the case, I am of the opinion that this petition is wholly misconceived and liable to be dismissed in limine and same is dismissed at the admission stage itself.

In view of this order, M.(W.)P. No. 1546/2003 & I.A. No. 5085/2003 stand disposed of.

Sd/-
L.C. Bhadoo
Judge

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